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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,135	12/15/2004	Rainer Schmidt	KW-10PCT	5273

40570 7590 04/12/2007
FRIEDRICH KUEFFNER
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EXAMINER	
KUHN, MART K	
ART UNIT	**PAPER NUMBER**
3637	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,135	SCHMIDT, RAINER	
	Examiner	Art Unit	
	Mart K. Kuhn	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 February 2007* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 5 February 2007. These drawings are not acceptable.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(u) because the multiple partial views comprising Figures 13 and 14 are not appropriately identified. Even as amended to separately label the enlarged views (now 13a, 14a), Figures 13 and 14 each still contain multiple partial views (*i.e.*, front and side views) which must be labeled separately.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed 5 February 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "...one end of each pull cable is *hooked* at the upper end of the respective guide rail." (page 3 of the amendment; emphasis added) There is no basis for the pull cables being "hooked" in

the application as filed, as there is no mention of the cables having hooks or being hooked in the original specification, and neither do the drawings show any hooks on the cables. Applicant asserts (response filed 5 February 2007, at page 8) that "the term 'hooked' is clearly supported by the drawing as originally filed" but this is belied by the actual figures. Figure 3a, the only view showing the attachment of a pull cable to a guide rail in any detail, shows cable 13 attached to guide rail 3 by plug 17, but shows nothing resembling a hook. In the original specification, there is no express, implicit, or inherent disclosure of pull cables hooked at the upper ends of guide rails.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections—35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1–7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 has been amended to include the limitation that "an end of each pull cable is hooked at the upper ends of the guide rails, respectively." There is no basis for this limitation in the application as filed, as there is no mention of the cables having hooks or being hooked in the original specification, and neither do the drawings show any hooks on the cables. Applicant asserts (response filed 5 February 2007, at page 8) that "the term 'hooked' is clearly supported by the drawing as originally filed" but this is belied by the actual figures. Figure 3a, the only view showing the attachment of a pull cable to a guide rail in any detail, shows cable 13 attached to guide rail 3 by plug 17, but shows nothing resembling a hook. In the original specification, there is no express, implicit, or inherent disclosure of pull cables hooked at the upper ends of guide rails.

Claim Rejections—35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bräuning, WIPO publication WO 00/24290, in view of Loew, US patent 4,629,072. Bräuning teaches a height-adjustable working table having:

- at least two guide rails (20) for receiving a worktop (3), the height of which is adjustable by means of a motor-driven cable drive (7) having a cable drum (71) and a pull cable (72);
- wherein the worktop is mounted displaceably on the guide rails such that it can move downward by virtue of its own weight, in that cable tension and gravity provide opposing vertical forces;
- and the cable drum and drive are positioned directly below the worktop (Figure 2), and thus in the region of the worktop.

Bräuning, though teaching means (74, 75) for connecting cabling to the upper ends of the guide rails, does not teach attachment means with which an end of each of plural pull cables is hooked at the upper ends of the guide rails. Loew teaches a height-adjustable table having a worktop (26) adjustable in its working height by a driving means (38) driving a cable drum (28) with pull cables (44, 46, 48, 50), an end of each pull cable being hooked (column 5, lines 43–46) at the upper edge of the table support structure (18). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the height-adjustable working table of Bräuning by including cables hooked at the upper ends of the guide rails, as taught by Loew, for the purpose of allowing convenient direct attachment of cabling to the guide structure.

Regarding claims 2 and 4, Bräuning further teaches a working table having means (40) inter-acting with the outer surfaces of the guide rails, and wherein said means are front and rear rollers.

9. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bräuning and Loew as applied to claims 1 and 4 above, and further in view of Jackson, US patent 4,553,726. Bräuning and Loew teach a height-adjustable working table with cables hooked at the upper ends of guide rails, but do not teach guide rails designed as rectangular tubes. However, Jackson teaches a vertically adjustable platform (2) supported by rollers (40, 50) engaging a guide rail (4), and wherein the guide rail is a rectangular tube (column 3, lines 1–2). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the working table of Bräuning, already modified by Loew, by using rectangular tubes as guide rails, as taught by Jackson, for the purpose of providing a wide bearing surface for the rollers.

Regarding claim 5, Bräuning and Loew teach a working table with front and rear rollers but do not disclose front and rear rollers bearing against the outside surface of the guide rails with the front roller below the rear one. However, the front (50) and rear (40) rollers of Jackson bear against the outer surface of the guide rail (Figures 1, 2), with the front roller below the rear one (column 3, lines 41–48). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the working table of Bräuning, already modified by Loew, by having the rollers bear against the outer surface of the guide rails with the front roller lower than the rear roller, as taught by Jackson, for the purpose of effectively counterbalancing the torque from the cantilevered worktop.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bräuning and Loew as applied to claim 4 above, and further in view of MacKay, US patent 3,411,464. Bräuning and Loew teach a height-adjustable working table with front and rear rollers, but do not teach rollers bearing against the inner surface of the guide rails with the front roller above the rear one. However, MacKay teaches a vertically adjustable platform (33) supported by front (27) and rear (30) rollers bearing against channels (24, 25) defined on the inner surface of guide rails (13, 14), and wherein the front roller is above the rear roller (Figure 1). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the working table of Bräuning, already modified by Loew, by making the rollers bear against the inner surface of the guide rails with the front roller above the rear one, as taught by MacKay,

for the purpose of constraining the rollers to fixed paths and effectively counterbalancing the torque from the cantilevered work platform.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bräuning and Loew as applied to claim 4 above, and further in view of Wolfe, US patent 2,749,196. Bräuning and Loew teach a height-adjustable working table with front and rear rollers, but not rollers with ball bearings. However, Wolfe teaches an adjustable table (44) supported by rollers (40) engaging a guide rail (14), and wherein the rollers contain ball bearings (column 3, line 9). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the working table of Bräuning, already modified by Loew, by using ball bearings in the rollers, as taught by Wolfe, for the purpose of allowing the platform to travel smoothly along the guide rail, and because the use of ball bearing rollers is well known in the art as evinced by the use by Wolfe.

Response to Arguments

12. Applicant's arguments, see pages 6–7, filed 5 February 2007, with respect to the drawing objections under 37 CFR 1.83(a), the objection to the disclosure, the objections to the claims, and the claim rejections under 35 U.S.C. § 112 have been fully considered and are persuasive. The drawing objections under 37 CFR 1.83(a), the objection to the disclosure, the objections to the claims, the rejections of claims 2–7 under 35 U.S.C. § 112 first paragraph, and the rejections of claims 1–7 under 35 U.S.C. § 112 second paragraph, as set forth in the previous Office Action, have been withdrawn.

13. Applicant's arguments, see page 8, filed 5 February 2007, with respect to the rejection(s) of claim(s) 1, 2, and 4 under 35 U.S.C. § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bräuning and Loew, as set forth above. The height-adjustable table of Loew has a single cable drum or take-up reel, driven by a single driving means, which simultaneously extends or reels in a plurality of cables, each of which has an end hooked to the support structure. That the driving means in

Loew is a torsion spring while the driving means in Bräuning is a motor is irrelevant; the teachings of Loew are directly applicable to the single take-up reel and single driving means of Bräuning. Regarding Applicant's assertion (page 9) that one of ordinary skill in the art at the time the invention was made would not combine Bräuning with a reference teaching multiple cables, because Bräuning "clearly teaches the advantages of a single-cable drive" in ensuring simultaneous movement of carriages 4, 4'; it is noted that Bräuning repeatedly states (*e.g.*, pages 2, 4, and 5) that simultaneous movement of the carriages is effected by the rigid connection between them, as provided by inner shelf 5 which is rigidly secured to both carriages. The fact that only a single cable is strictly *necessary* to elevate the worktop of Bräuning does not constitute teaching away from the possibility of using multiple cables to more evenly distribute the load, particularly since Loew teaches a way to control multiple cables from a single drum. Further, regarding Applicant's assertion (pages 9–10) that Bräuning's disclosure of a single crank "is also an indication that only one cable is being used", it is noted that when multiple cables are controlled by the same driving means, a single crank would serve to drive all the cables.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart K. Kuhn whose telephone number is (571) 272-8926. The examiner can normally be reached on M–F, 8:30am–5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKK MKK
5 April 2007

JANET M. WILKENS
PRIMARY EXAMINER
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